

**House File 467 - Reprinted**

HOUSE FILE 467  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 90)

(As Amended and Passed by the House March 21, 2011)

**A BILL FOR**

1 An Act relating to programs and activities under the purview of  
2 the department of public health.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

TOBACCO ENFORCEMENT

Section 1. Section 142A.1, subsection 2, Code 2011, is amended to read as follows:

2. It is the intent of the general assembly that the comprehensive tobacco use prevention and control initiative established in this chapter will specifically address reduction of tobacco use by youth and pregnant women, ~~promotion of compliance by minors and retailers with tobacco sales laws and ordinances,~~ and enhancement of the capacity of youth to make healthy choices. The initiative shall allow extensive involvement of youth in attaining these results.

Sec. 2. Section 142A.2, subsection 10, Code 2011, is amended by striking the subsection.

Sec. 3. Section 142A.3, subsection 3, paragraph a, Code 2011, is amended to read as follows:

a. Members, at least one of whom is a member of a racial minority, to be appointed by the governor, subject to confirmation by the senate pursuant to sections 2.32 and 69.19, and consisting of the following:

(1) Three members who are active with nonprofit health organizations that emphasize tobacco use prevention or who are active as health services providers, at the local level.

~~(2) One member who is a retailer.~~

~~(3)~~ (2) Three members who are active with health promotion activities at the local level in youth education, ~~law enforcement,~~ nonprofit services, or other activities relating to tobacco use prevention and control.

Sec. 4. Section 142A.3, subsection 5, paragraph e, Code 2011, is amended by striking the paragraph.

Sec. 5. Section 142A.4, subsections 14 and 17, Code 2011, are amended by striking the subsections.

Sec. 6. Section 142A.5, subsection 1, paragraph e, Code 2011, is amended by striking the paragraph.

Sec. 7. Section 142A.5, subsection 2, paragraph f, Code

1 2011, is amended by striking the paragraph.

2 Sec. 8. Section 142A.6, subsection 2, paragraph e, Code  
3 2011, is amended by striking the paragraph.

4 Sec. 9. Section 142A.6, subsection 3, paragraph c, Code  
5 2011, is amended by striking the paragraph.

6 Sec. 10. Section 142A.7, subsection 1, paragraph f, Code  
7 2011, is amended by striking the paragraph.

8 Sec. 11. Section 142A.8, subsection 4, paragraph d, Code  
9 2011, is amended by striking the paragraph.

10 Sec. 12. Section 142A.9, subsection 3, Code 2011, is amended  
11 to read as follows:

12 3. To the greatest extent possible, the youth program shall  
13 be directed by youth for youth participants. State and local  
14 administrators associated with the initiative shall consult  
15 with and utilize the youth program participants in the media,  
16 marketing, and communications program; education efforts; and  
17 other aspects of the initiative including evaluation, and  
18 collaboration, ~~and enforcement.~~

19 Sec. 13. Section 453A.2, subsections 4, 6, and 7, Code 2011,  
20 are amended to read as follows:

21 4. The ~~Iowa~~ alcoholic beverages division of the department  
22 of ~~public health commerce~~, a county ~~health department~~, a city  
23 ~~health department~~, or a city may directly enforce this section  
24 in district court and initiate proceedings pursuant to section  
25 453A.22 before a permit-issuing authority which issued the  
26 permit against a permit holder violating this section.

27 6. If a county ~~health department~~, a city ~~health department~~,  
28 or a city has not assessed a penalty pursuant to section  
29 453A.22, subsection 2, for a violation of subsection 1, within  
30 sixty days of the adjudication of the violation, the matter  
31 shall be transferred to and be the exclusive responsibility  
32 of the ~~Iowa~~ alcoholic beverages division of the department of  
33 ~~public health commerce~~. Following transfer of the matter,  
34 if the violation is contested, the ~~Iowa~~ alcoholic beverages  
35 division of the department of ~~public health commerce~~ shall

1 request an administrative hearing before an administrative law  
2 judge, assigned by the division of administrative hearings of  
3 the department of inspections and appeals in accordance with  
4 the provisions of section 10A.801, to adjudicate the matter  
5 pursuant to chapter 17A.

6 7. A tobacco compliance employee training fund is created in  
7 the office of the treasurer of state. The fund shall consist  
8 of civil penalties assessed by the ~~Iowa~~ alcoholic beverages  
9 division of the department of ~~public health~~ commerce under  
10 section 453A.22 for violations of this section. Moneys in  
11 the fund are appropriated to the alcoholic beverages division  
12 of the department of commerce and shall be used to develop  
13 and administer the tobacco compliance employee training  
14 program under section 453A.5. Moneys deposited in the fund  
15 shall not be transferred, used, obligated, appropriated, or  
16 otherwise encumbered except as provided in this subsection.  
17 Notwithstanding section 8.33, any unexpended balance in the  
18 fund at the end of the fiscal year shall be retained in the  
19 fund.

20 Sec. 14. Section 453A.13, subsection 2, paragraph c, Code  
21 2011, is amended to read as follows:

22 c. The department, or a city or county, shall submit a  
23 duplicate of any application for a retail permit and any retail  
24 permit issued by the entity under this subsection to the ~~Iowa~~  
25 alcoholic beverages division of the department of ~~public health~~  
26 commerce within thirty days of the issuance. The alcoholic  
27 beverages division of the department of commerce shall submit  
28 the current list of all retail permits issued to the Iowa  
29 department of public health by the first day of each quarter  
30 of a state fiscal year.

31 Sec. 15. Section 453A.22, subsection 2, unnumbered  
32 paragraph 1, Code 2011, is amended to read as follows:

33 If a retailer or employee of a retailer has violated section  
34 453A.2 or section 453A.36, subsection 6, the department or  
35 local authority, or the ~~Iowa~~ alcoholic beverages division of

1 the department of public health commerce following transfer  
 2 of the matter to the Iowa alcoholic beverages division of  
 3 the department of public health commerce pursuant to section  
 4 453A.2, subsection 6, in addition to the other penalties fixed  
 5 for such violations in this section, shall assess a penalty  
 6 upon the same hearing and notice as prescribed in subsection  
 7 1 as follows:

8     Sec. 16. Section 453A.22, subsection 7, Code 2011, is  
 9 amended to read as follows:

10     7. The department or local authority shall report the  
 11 suspension or revocation of a retail permit under this section  
 12 to the Iowa alcoholic beverages division of the department of  
 13 public health commerce within thirty days of the suspension or  
 14 revocation of the retail permit.

15     Sec. 17. Section 453A.47A, subsection 6, Code 2011, is  
 16 amended to read as follows:

17     6. *Issuance.* Cities shall issue retail permits to retailers  
 18 within their respective limits. County boards of supervisors  
 19 shall issue retail permits to retailers in their respective  
 20 counties, outside of the corporate limits of cities. The city  
 21 or county shall submit a duplicate of any application for a  
 22 retail permit and any retail permit issued by the entity under  
 23 this section to the Iowa alcoholic beverages division of the  
 24 department of public health commerce within thirty days of  
 25 issuance. The alcoholic beverages division of the department  
 26 of commerce shall submit the current list of all retail permits  
 27 issued to the Iowa department of public health by the first day  
 28 of each quarter of a state fiscal year.

## 29                                   DIVISION II

### 30           COMMUNICABLE AND INFECTIOUS DISEASES AND POISONINGS

31     Sec. 18. Section 139A.2, subsections 5 and 8, Code 2011, are  
 32 amended to read as follows:

33     5. "*Contagious or infectious disease*" means hepatitis in any  
 34 form, meningococcal disease, AIDS or HIV as defined in section  
 35 141A.1, tuberculosis, and any other disease, ~~with the exception~~

1 ~~of AIDS or HIV infection as defined in section 141A.1,~~  
 2 determined to be life-threatening to a person exposed to the  
 3 disease as established by rules adopted by the department,  
 4 based upon a determination by the state epidemiologist and in  
 5 accordance with guidelines of the centers for disease control  
 6 and prevention of the United States department of health and  
 7 human services.

8 8. ~~"Exposure" means the risk of contracting disease as~~  
 9 ~~determined by the centers for disease control and prevention~~  
 10 ~~of the United States department of health and human services~~  
 11 ~~and adopted by rule of the department~~ a specific eye, mouth,  
 12 other mucous membrane, nonintact skin, or parenteral contact  
 13 with blood or other potentially infectious bodily fluids.

14 Sec. 19. Section 139A.2, Code 2011, is amended by adding the  
 15 following new subsection:

16 NEW SUBSECTION. 23A. *"Significant exposure"* means a  
 17 situation in which there is a risk of contracting disease  
 18 through exposure to a person's infectious bodily fluids  
 19 in a manner capable of transmitting an infectious agent as  
 20 determined by the centers for disease control and prevention of  
 21 the United States department of health and human services and  
 22 adopted by rule of the department.

23 Sec. 20. Section 139A.19, Code 2011, is amended to read as  
 24 follows:

25 **139A.19 Care provider notification.**

26 1. a. Notwithstanding any provision of this chapter to the  
 27 contrary, if a care provider sustains ~~an~~ a significant exposure  
 28 from an individual while rendering health care services or  
 29 other services, the individual to whom the care provider was  
 30 exposed is deemed to consent to a test to determine if the  
 31 individual has a contagious or infectious disease and is deemed  
 32 to consent to notification of the care provider of the results  
 33 of the test, upon submission of ~~an~~ a significant exposure  
 34 report by the care provider to the hospital, clinic, other  
 35 health facility, or other person specified in this section

1 to whom the individual is delivered by the care provider  
2 as determined by rule. ~~The exposure report form may be~~  
3 ~~incorporated into the Iowa prehospital care report, the Iowa~~  
4 ~~prehospital advanced care report, or a similar report used~~  
5 ~~by an ambulance, rescue, or first response service or law~~  
6 ~~enforcement agency.~~

7     **b.** The hospital, clinic, or other health facility in which  
8 the significant exposure occurred or other person specified in  
9 this section to whom the individual is delivered shall conduct  
10 the test. If the individual is delivered by the care provider  
11 to an institution administered by the Iowa department of  
12 corrections, the test shall be conducted by the staff physician  
13 of the institution. If the individual is delivered by the  
14 care provider to a jail, the test shall be conducted by the  
15 attending physician of the jail or the county medical examiner.  
16 The sample and test results shall only be identified by a  
17 number ~~and shall not otherwise identify the individual tested.~~

18     **c.** A hospital, clinic, or other health facility,  
19 institutions administered by the department of corrections,  
20 and jails shall have written policies and procedures for  
21 notification of a care provider under this section. The  
22 policies and procedures shall include designation of a  
23 representative of the care provider to whom notification shall  
24 be provided and who shall, in turn, notify the care provider.  
25 The identity of the designated representative of the care  
26 provider shall not be revealed to the individual tested.  
27 The designated representative shall inform the hospital,  
28 clinic, or other health facility, institution administered  
29 by the department of corrections, or jail of those parties  
30 who received the notification, and following receipt of  
31 this information and upon request of the individual tested,  
32 the hospital, clinic, or other health facility, institution  
33 administered by the department of corrections, or jail shall  
34 inform the individual of the parties to whom notification was  
35 provided.

1     *d.* Notwithstanding any other provision of law to the  
2 contrary, a care provider may transmit cautions regarding  
3 contagious or infectious disease information, with the  
4 exception of AIDS or HIV pursuant to section 80.9B, in the  
5 course of the care provider's duties over the police radio  
6 broadcasting system under chapter 693 or any other radio-based  
7 communications system if the information transmitted does not  
8 personally identify an individual.

9     2. *a.* If the test results are positive, the hospital,  
10 clinic, other health facility, or other person performing the  
11 test shall notify the subject of the test and make any required  
12 reports to the department pursuant to sections 139A.3 and  
13 141A.6. The report to the department shall include the name of  
14 the individual tested.

15     *b.* If the individual tested is diagnosed or confirmed  
16 as having a contagious or infectious disease, the hospital,  
17 clinic, other health facility, or other person conducting  
18 the test shall notify the care provider or the designated  
19 representative of the care provider who shall then notify the  
20 care provider.

21     ~~3. The notification to the care provider shall advise the~~  
22 ~~care provider of possible exposure to a particular contagious~~  
23 ~~or infectious disease and recommend that the care provider seek~~  
24 ~~medical attention.~~

25     *c.* The notification to the care provider shall be provided  
26 as soon as is reasonably possible following determination  
27 that the ~~individual~~ subject of the test has a contagious or  
28 infectious disease. The notification shall not include the  
29 name of the individual tested for the contagious or infectious  
30 disease unless the individual consents. If the care provider  
31 who sustained ~~an~~ a significant exposure determines the identity  
32 of the individual diagnosed or confirmed as having a contagious  
33 or infectious disease, the identity of the individual shall be  
34 confidential information and shall not be disclosed by the care  
35 provider to any other person unless a specific written release



1 is obtained from the individual diagnosed with or confirmed as  
 2 having a contagious or infectious disease.

3 ~~4. This section does not require or permit, unless otherwise~~  
 4 ~~provided, a hospital, health care provider, or other person to~~  
 5 ~~administer a test for the express purpose of determining the~~  
 6 ~~presence of a contagious or infectious disease, except that~~  
 7 ~~testing may be performed if the individual consents and if the~~  
 8 ~~requirements of this section are satisfied.~~

9 5. 3. This section does not preclude a hospital, clinic,  
 10 other health facility, or a health care provider from providing  
 11 notification to a care provider under circumstances in  
 12 which the hospital's, clinic's, other health facility's, or  
 13 health care provider's policy provides for notification of  
 14 the hospital's, clinics, other health facility's, or health  
 15 care provider's own employees of exposure to a contagious or  
 16 infectious disease that is not life-threatening if the notice  
 17 does not reveal a patient's name, unless the patient consents.

18 ~~6. 4.~~ A hospital, clinic, other health facility, or health  
 19 care provider, or other person participating in good faith in  
 20 complying with provisions authorized or required under this  
 21 section is immune from any liability, civil or criminal, which  
 22 might otherwise be incurred or imposed.

23 ~~7. 5.~~ A hospital's, clinic's, other health facility's, or  
 24 health care provider's duty of notification to notify under  
 25 this section is not continuing but is limited to a diagnosis  
 26 of a contagious or infectious disease made in the course of  
 27 admission, care, and treatment following the rendering of  
 28 health care services or other services to ~~which notification~~  
 29 ~~under this section applies~~ the individual who was the source of  
 30 the significant exposure.

31 6. Notwithstanding subsection 5, the hospital, clinic, or  
 32 other health facility may provide a procedure for notifying  
 33 the exposed care provider if, following discharge from or  
 34 completion of care or treatment by the hospital, clinic, or  
 35 other health facility, the individual who was the source of

1 the significant exposure, and for whom a significant exposure  
 2 report was submitted that did not result in notification of the  
 3 exposed care provider, wishes to provide information regarding  
 4 the source individual's contagious or infectious disease status  
 5 to the exposed care provider.

6 ~~8.~~ 7. A hospital, clinic, other health facility, health  
 7 care provider, or other person who is authorized to perform a  
 8 test under this section who performs the test in compliance  
 9 with this section or who fails to perform the test authorized  
 10 under this section, is immune from any liability, civil or  
 11 criminal, which might otherwise be incurred or imposed.

12 ~~9.~~ 8. A hospital, clinic, other health facility, health  
 13 care provider, or other person who is authorized to perform  
 14 a test under this section has no duty to perform the test  
 15 authorized.

16 ~~10.~~ 9. The department shall adopt rules pursuant to chapter  
 17 17A to administer this section. The department may determine  
 18 by rule the contagious or infectious diseases for which testing  
 19 is reasonable and appropriate and which may be administered  
 20 under this section.

21 ~~11.~~ 10. The employer of a care provider who sustained  
 22 ~~an a significant~~ exposure under this section shall pay the  
 23 costs of testing for the individual who is the source of the  
 24 significant exposure and of the testing of the care provider,  
 25 if the significant exposure was sustained during the course  
 26 of employment. However, the department shall ~~pay the costs~~  
 27 ~~of testing for the~~ assist an individual who is the source  
 28 of the significant exposure ~~and in finding resources to pay~~  
 29 for the costs of the testing ~~of the~~ and shall assist a care  
 30 provider who renders direct aid without compensation in finding  
 31 resources to pay for the cost of the test.

32 Sec. 21. Section 139A.33, Code 2011, is amended to read as  
 33 follows:

34 **139A.33 Determination of source — partner notification**  
 35 **program.**

1     ~~The local board or the department shall use every available~~  
2 ~~means to determine the source and spread of any infectious case~~  
3 ~~of sexually transmitted disease or infection which is reported.~~

4     1. The department shall maintain a partner notification  
5 program for persons known to have tested positive for a  
6 reportable sexually transmitted disease or infection.

7     2. In administering the program, the department shall  
8 provide for all of the following:

9     a. A person who voluntarily participates in the program  
10 shall receive post-test counseling during which time the person  
11 shall be encouraged to refer for counseling and testing any  
12 person with whom the person has had sexual relations or has  
13 shared drug injecting equipment.

14    b. The physician or other health care provider attending the  
15 person may provide to the department any relevant information  
16 provided by the person regarding any person with whom the  
17 tested person has had sexual relations or has shared drug  
18 injecting equipment.

19    3. The department may delegate its partner notification  
20 duties under this section to local health authorities or a  
21 physician or other health care provider, as provided by rules  
22 adopted by the department.

23    4. In making contact with sexual or drug equipment-sharing  
24 partners, the department or its designee shall not disclose the  
25 identity of the person who provided the names of the persons  
26 to be contacted and shall protect the confidentiality of the  
27 persons contacted.

28    5. a. This section shall not be interpreted as creating  
29 a duty to warn third parties of the danger of exposure to a  
30 sexually transmitted disease or infection through contact with  
31 a person who tests positive for a sexually transmitted disease.

32    b. This section shall not be interpreted to require the  
33 department to provide partner notification services to all  
34 persons who have tested positive for a sexually transmitted  
35 disease or infection.

### DIVISION III

## AIDS UPDATE

3     Sec. 22. Section 141A.1, subsections 2, 11, 13, 15, and 18,  
4 Code 2011, are amended to read as follows:

2. "*AIDS-related conditions*" means any condition resulting from the human immunodeficiency virus infection that meets the definition of AIDS as established by the centers for disease control and prevention of the United States department of health and human services.

10 11. "*HIV-related condition*" means any condition resulting  
11 from the human immunodeficiency virus infection.

12 13. "*Infectious bodily fluids*" means bodily fluids capable  
13 of transmitting HIV ~~infection~~ as determined by the centers for  
14 disease control and prevention of the United States department  
15 of health and human services and adopted by rule of the  
16 department.

17 15. "*Nonblinded epidemiological studies*" means studies  
18 in which specimens are collected for the express purpose  
19 of testing for the HIV infection and persons included in  
20 the nonblinded study are selected according to establishe  
21 criteria.

18. "*Significant exposure*" means the a situation in which  
there is a risk of contracting HIV infection ~~by means of~~  
through exposure to a person's infectious bodily fluids in a  
manner capable of transmitting HIV infection as determined by  
the centers for disease control and prevention of the United  
States department of health and human services and adopted by  
rule of the department.

29       Sec. 23. Section 141A.1, Code 2011, is amended by adding the  
30 following new subsection:

31 NEW SUBSECTION. 6A. "*Exposure*" means a specific eye, mouth,  
32 other mucous membrane, nonintact skin, or parenteral contact  
33 with blood or other potentially infectious bodily fluids.

34      Sec. 24. Section 141A.2, subsection 5, Code 2011, is amended  
35 to read as follows:

1     5. The department shall coordinate efforts with local  
2 health officers to investigate sources of HIV infection and use  
3 every appropriate means to prevent the spread of ~~the infection~~  
4 HIV.

5     Sec. 25. Section 141A.3, subsection 2, paragraph b, Code  
6 2011, is amended to read as follows:

7     b. Provide health information to the public regarding HIV  
8 ~~infection~~, including information about how ~~the infection~~ HIV  
9 is transmitted and how transmittal can be prevented. The  
10 department shall prepare and distribute information regarding  
11 HIV infection transmission and prevention.

12     Sec. 26. Section 141A.4, subsection 1, Code 2011, is amended  
13 to read as follows:

14     1. HIV testing and education shall be offered to persons who  
15 are at risk for HIV infection including all of the following:

16     a. Males who have had sexual relations with other males.

17     b. All persons testing positive for a sexually transmitted  
18 disease.

19     ~~b.~~ c. All persons having a history of injecting drug abuse.

20     ~~c.~~ d. Male and female sex workers and those who trade sex  
21 for drugs, money, or favors.

22     ~~d.~~ e. Sexual partners of HIV-infected persons.

23     ~~e.~~ f. Persons whose sexual partners are identified in  
24 paragraphs "a" through "~~d~~" "e".

25     Sec. 27. Section 141A.5, subsection 2, paragraph c,  
26 subparagraph (1), subparagraph division (a), Code 2011, is  
27 amended to read as follows:

28     (a) A physician for the infected person is of the good  
29 faith opinion that the nature of the continuing contact poses  
30 an imminent danger of HIV ~~infection~~ transmission to the third  
31 party.

32     Sec. 28. Section 141A.6, subsection 1, Code 2011, is amended  
33 to read as follows:

34     1. Prior to undergoing ~~an~~ a voluntary HIV-related test,  
35 information shall be available to the subject of the test

1 concerning testing and any means of obtaining additional  
2 information regarding HIV ~~infection~~ transmission and risk  
3 reduction. If an individual signs a general consent form for  
4 the performance of medical tests or procedures, the signing  
5 of an additional consent form for the specific purpose of  
6 consenting to an HIV-related test is not required during  
7 the time in which the general consent form is in effect.  
8 If an individual has not signed a general consent form  
9 for the performance of medical tests and procedures or the  
10 consent form is no longer in effect, a health care provider  
11 shall obtain oral or written consent prior to performing an  
12 HIV-related test. If an individual is unable to provide  
13 consent, the individual's legal guardian may provide consent.  
14 If the individual's legal guardian cannot be located or is  
15 unavailable, a health care provider may authorize the test  
16 when the test results are necessary for diagnostic purposes to  
17 provide appropriate urgent medical care.

18 Sec. 29. Section 141A.9, subsection 2, paragraph i, Code  
19 2011, is amended to read as follows:

20 *i.* Pursuant to ~~section~~ sections 915.42 and 915.43, to a  
21 convicted or alleged sexual assault offender; the physician or  
22 other health care provider who orders the test of a convicted  
23 or alleged offender; the victim; the parent, guardian, or  
24 custodian of the victim if the victim is a minor; the physician  
25 of the victim if requested by the victim; the victim counselor  
26 or person requested by the victim to provide counseling  
27 regarding the HIV-related test and results; the victim's  
28 spouse; persons with whom the victim has engaged in vaginal,  
29 anal, or oral intercourse subsequent to the sexual assault;  
30 members of the victim's family within the third degree of  
31 consanguinity; and the county attorney who may use the results  
32 as evidence in the prosecution of sexual assault under chapter  
33 915, subchapter IV, or prosecution of the offense of criminal  
34 transmission of HIV under chapter 709C. For the purposes of  
35 this paragraph, "*victim*" means victim as defined in section

1 915.40.

2 Sec. 30. Section 141A.9, subsection 3, Code 2011, is amended  
3 to read as follows:

4 3. Release may be made of medical or epidemiological  
5 information for research or statistical purposes in a manner  
6 such that no individual person can be identified.

7 Sec. 31. Section 141A.10, subsection 2, Code 2011, is  
8 amended to read as follows:

9 2. A health care provider attending a person who tests  
10 positive for the HIV infection has no duty to disclose to  
11 or to warn third parties of the dangers of exposure to HIV  
12 infection through contact with that person and is immune from  
13 any liability, civil or criminal, for failure to disclose to or  
14 warn third parties of the condition of that person.

15 Sec. 32. REPEAL. Section 141A.8, Code 2011, is repealed.

16 DIVISION IV

17 MISCELLANEOUS PROVISIONS

18 Sec. 33. Section 135.11, subsection 13, Code 2011, is  
19 amended to read as follows:

20 13. Administer ~~the statewide public health nursing,~~  
21 ~~homemaker-home health aide, and senior health programs~~ healthy  
22 aging and essential public health services by approving grants  
23 of state funds to the local boards of health ~~and the county~~  
24 ~~boards of supervisors~~ for the purposes of promoting healthy  
25 aging throughout the lifespan and enhancing health promotion  
26 and disease prevention services, and by providing guidelines  
27 for the approval of the grants and allocation of the state  
28 funds. ~~Program direction~~ Guidelines, evaluation requirements,  
29 and formula allocation procedures for ~~each of the programs~~  
30 services shall be established by the department by rule.

31 Sec. 34. Section 135A.5, subsection 1, Code 2011, is amended  
32 to read as follows:

33 1. A governmental public health evaluation committee  
34 is established to develop, and implement, ~~and evaluate the~~  
35 evaluation of the governmental public health system and

1 voluntary accreditation program. The committee shall meet  
2 at least quarterly. The committee shall consist of no fewer  
3 than eleven members and no more than thirteen members. The  
4 members shall be appointed by the director of the department.  
5 The director may solicit and consider recommendations from  
6 professional organizations, associations, and academic  
7 institutions in making appointments to the committee.

8 Sec. 35. REPEAL. Section 135.162, Code 2011, is repealed.

9 Sec. 36. PILOT OR DEMONSTRATION RESEARCH PROJECTS —  
10 PRACTICE OF PHARMACY.

11 1. Notwithstanding any provision of section 147.107,  
12 subsection 2, to the contrary, the board of pharmacy may  
13 approve a pilot or demonstration research project of innovative  
14 applications in the practice of pharmacy relating to the  
15 authority of prescription verification and the ability of a  
16 pharmacist to provide enhanced patient care.

17 2. The board of pharmacy shall adopt rules and procedures  
18 pursuant to chapter 17A for application for and approval  
19 of such projects. The rules may include exceptions to any  
20 existing rules under the purview of the board of pharmacy  
21 as necessary for completion of the project, limited to the  
22 duration of the project. The duration of any project approved  
23 by the board of pharmacy shall not exceed eighteen months and  
24 shall comply with the rules and procedures adopted for such  
25 projects.

26 3. The board of pharmacy shall not approve any project that  
27 expands the practice of pharmacy as defined in section 155A.3.

28 4. The board of pharmacy shall submit a report to the  
29 chairpersons and ranking members of the joint appropriations  
30 subcommittee on health and human services regarding the  
31 approval or denial of any projects.